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# SIXTEENTH ANNUAL REPORT

OF THE

## MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE YEAR 1901.



BOSTON :  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.

1902.

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# Commonwealth of Massachusetts.

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## REPORT.

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To His Excellency W. MURRAY CRANE, *Governor*.

SIR:—In compliance with the requirements of section 4, chapter 397, Acts of 1896, we hereby submit to Your Excellency our sixteenth annual report. We are pleased to note that from a commercial stand-point the condition of pharmacy in the State is greatly in advance of one year ago. Industry and commerce go hand in hand, and to industrial prosperity is due the commercial prosperity throughout the State. No business in existence is so disturbed by cut-rate competition as is pharmacy; but the public is learning that cheap prices mean cheap goods, and this class of competition is becoming less formidable than formerly.

Another cause for congratulation among druggists is the repeal of the war stamp tax that took effect July 1 of this year. The national revenue from the tax on drug store products was \$5,000,000 per annum.

The professional side of pharmacy advances slowly, but the demand of the present is, and of the future will be, for higher education in this profession. The excellent schools of pharmacy in this country offer a means for obtaining this education. In former reports of this Board, attention has been called to the desirability of a higher educational standard for those entering the drug business. The results of our examinations show that this point cannot be too strongly emphasized.

## PRACTICAL EXAMINATIONS.

Commencing January 1 of this year, the character of examinations of candidates for registration has been radically changed. Prior to that time the examination consisted of written and oral questions and the identification of drugs. We have now a well-equipped prescription counter, where each candidate is required to dispense as many prescriptions as time will allow. This cannot be satisfactorily done without actual drug store experience. The oral examination consists practically of questions relating to the preparation of official products and prescription reading. The written examination is more technical in character, but is confined to questions of practical value to the professional pharmacist. It is felt by the Board that with this form of examination the practical, useful knowledge of the applicant is more readily determined than by the older method. It is no longer possible for persons to pass the Board examinations by learning questions and answers, or by the employment of quiz instructors; and it is a waste of time to appear before the Board without systematic study and prescription counter experience.

## LIQUOR CERTIFICATES.

The granting of liquor certificates is an important duty of the Board. Section 11 of the "Act to regulate the practice of pharmacy" reads as follows:—

The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquors a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be intrusted with such license, and that the public good will be promoted by the granting of said license.

It is further stated, in section 10 of the above-mentioned act, —

if it shall appear that the applicant is a fit person to receive such license . . . and is a registered pharmacist actively engaged in business on his own account.

Three qualifications are to determine the granting of these certificates; namely, the public good, fitness of the person and proprietorship. In some sections there is an excessive influx

of new drug stores demanding sixth-class licenses. It is the belief of this Board that it should not, by granting of certificates, encourage the multiplication of stores to such an extent that the sale of intoxicating liquor becomes a necessity to the maintenance of stores in those vicinities. It is the intent of the Board to be impartial and fair to all concerned in this part of its work.

#### ENFORCEMENT OF THE PHARMACY LAWS.

In this department, the Board, with the assistance of its agent, has endeavored to investigate all complaints that have come to its notice. A larger number of complaints has come to us than in the preceding year, and some of an aggravated character. It should be said, however, that a large number of those against whom complaint has been made were unregistered persons, engaged in the drug business.

#### RE-REGISTRATION.

There has been a demand by the State Pharmaceutical Association and by individuals for a correct list of the registered pharmacists of the State. This can be had only by re-registration. Since the enactment of the pharmacy law in 1885 to this date there have been 4,029 pharmacists registered in this State; many of these have died; others have left the State or discontinued business. There are at present 1,568 drug stores in the State; possibly one-third of these employ registered clerks; this accounts for about one-half of the total number, leaving about 2,000 certificates of registration unaccounted for. These latter certificates may be, and have been in known instances, used illegally by being exposed in stores of questionable character in which no registered man is employed. This Board is unanimously of the opinion that some provision should be made for re-registration at stated periods. Such provision is made in twenty-nine States in the Union. In twenty-five States annual, in two States biennial and in one State triennial re-registration is required; the fees in these States range from 50 cents to \$5 per annum. This Board recommends that the pharmacy laws be amended to the effect that re-registration be required biennially, and that the fee therefor shall be \$1, sufficient to cover expenses incurred.



## LEGISLATION.

Referring again to sections 10 and 11 of the pharmacy laws, quoted above, it will be seen that licenses of the sixth class can be granted only to "a registered pharmacist actively engaged in business on his own account." Section 12 of the pharmacy act provides that sixth-class licenses shall remain in force in "cases where the registered pharmacist has died or become incapacitated, and his business is conducted by his widow, executor or administrator, under a registered pharmacist;" but there is no provision for the renewing of a license on May 1 to the widow, executor or administrator or to the registered clerk. In many instances it has become a financial injury to widows of deceased pharmacists. We therefore recommend that section 18 of chapter 397 of the Acts of 1896, as amended by chapter 317 of the Acts of 1900, be further amended as follows:—

Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six, as amended by chapter three hundred and seventeen of the acts of nineteen hundred, is hereby further amended by adding after the word "pharmacist," in the last line, the following words:— "who may also be considered qualified to receive a sixth-class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section ten of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-six, inconsistent herewith, shall not apply,"—so as to read as follows:— *Section 28.* Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, who may also be considered qualified to receive a sixth-class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The pro-

visions of section ten of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-six, inconsistent herewith, shall not apply.

With this report the term of office of Mr. John A. Rice expires by limitation of law after serving for ten years as a member of this Board. The remaining members of the Board and the druggists of the State will remember him as a man of good judgment, strong convictions and kindly nature. The State has had no more conscientious servant than he. In signing this report, it is understood that Mr. Rice does not necessarily endorse these sentiments.

It will be seen that the expenses of the Board for the year have been less than anticipated. This was due to the fact that the member from the western part of the State has been able to attend but three meetings during the year, and that another member was unable to attend for nearly two months.

With the old method of examination the Board was able to examine fifteen per day; with the new method, but ten can be examined. This makes a greater number of examination days necessary, and thereby increases the expense. Had all of the members been present through the year, as usual, the appropriation for the year would have been fully expended. For the year ending Oct. 1, 1900, twenty-three days were required for examinations; for this year, thirty-six days.

The report of the secretary and the report of the agent of the Board are appended hereto.

C. F. NIXON, *President.*

AMOS K. TILDEN, *Secretary.*

F. H. BUTLER.

JOHN A. RICE.

GEO. M. HOYT.

BOSTON, MASS., Oct. 1, 1901.

## SECRETARY'S REPORT.

### EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows : —

1900-1901.	Days.	Examined.	Registered.	Rejected.
October 2-3, . . . . .	2	25	3	22
November 14-15, . . . . .	2	29	3	26
December 12, . . . . .	1	13	2	11
January 1-2, . . . . .	2	19	6	13
January 29-30, . . . . .	2	17	5	12
February 5, . . . . .	1	10	2	8
February 12, . . . . .	1	9	3	6
February 20-21, . . . . .	2	18	3	15
February 27-28, . . . . .	2	17	6	11
March 12, . . . . .	1	10	3	7
March 21, . . . . .	1	10	4	6
March 28, . . . . .	1	8	4	4
April 9-10, . . . . .	2	18	3	15
April 17, . . . . .	1	10	—	10
April 30, . . . . .	1	8	1	7
May 7, . . . . .	1	10	—	10
May 15, . . . . .	1	10	—	10
May 22, . . . . .	1	8	2	6
May 27-28, . . . . .	2	21	1	20
June 5-6, . . . . .	2	20	7	13
June 11, . . . . .	1	10	2	8
June 18-19-20, . . . . .	3	30	8	22
September 17, . . . . .	1	8	1	7
September 23-24, . . . . .	1	12	2	10
September 30, . . . . .	1	8	2	6
Totals, . . . . .	36	358	73	285



Of the seventy-three certificates granted this year : —

13 passed on first examination.	3 passed on sixth examination.
19 " " second "	3 " " ninth "
17 " " third "	2 " " eleventh "
8 " " fourth "	1 " " fifteenth "
7 " " fifth "	

FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

Oct. 1, 1900, cash in State treasury, . . . . .	\$501 88
Received during the year : —	
Fees from applicants, 264 at \$3, . . . . .	\$792 00
Fees from applicants, 119 at \$5, . . . . .	595 00
For duplicate certificates, . . . . .	8 00
	<hr/>
	1,395 00
Total, . . . . .	\$1,896 88
Returned to family of W. A. E. Kimball, he having died a few days after sending the money, . . . . .	5 00
	<hr/>
	\$1,891 88

*Expenditures.*

	Services.	Expenses.	Total.
C. F. Nixon, president, . . . . .	\$235 00	\$114 35	\$349 35
A. K. Tilden, secretary, . . . . .	232 50	25 47	257 97
A. K. Tilden (miscellaneous bills), . . . . .	—	30 34	30 34
F. H. Butler, . . . . .	150 00	53 80	203 80
F. H. Butler (printing), . . . . .	—	3 00	3 00
John A. Riee, . . . . .	15 00	30 66	45 66
G. M. Hoyt, . . . . .	222 50	58 70	281 20
G. M. Hoyt, drugs, . . . . .	—	3 60	3 60
	<hr/>	<hr/>	<hr/>
	\$855 00	\$319 92	\$1,174 92

Hammett School Supply Company, . . . . .	\$3 75
Wright & Potter Printing Company, . . . . .	15 01
E. L. Patch Company, . . . . .	4 78
Weeks & Potter Company, . . . . .	9 34
Theo. Metcalf Company, . . . . .	2 65
	<hr/>
	35 53
	<hr/>
	1,210 45
Balance in State treasury, . . . . .	\$681 43

*Liabilities.*

Applicants not examined, fees paid : —	
Prior to Oct. 1, 1900 : —	
48 at \$3, . . . . .	\$144 00
45 at \$5, . . . . .	225 00
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	\$369 00
From Oct. 1, 1900, to Oct. 1, 1901 : —	
37 at \$3, . . . . .	\$111 00
20 at \$5, . . . . .	100 00
	<hr/>
	211 00
	<hr/>
	\$580 00

## APPLICATIONS FOR CERTIFICATES OF FITNESS.

Applications received from Oct. 1, 1900, to March 1, 1901, to expire April 30, 1901, . . . . .	55
Certificates granted, . . . . .	35
Applications refused, . . . . .	20
Applications received from March 1, 1901, to Oct. 1, 1901, to expire April 30, 1902, . . . . .	1,207
Certificates granted, . . . . .	1,104
Applications refused, . . . . .	98
Applications transferred, . . . . .	5
Total number of applications for the year, . . . . .	1,262
Total number of certificates granted, . . . . .	1,139
Total number of applications refused, . . . . .	118
Total number of applications transferred, . . . . .	5
Total amount of fees received, . . . . .	\$1,262 00
Returned to rejected applicants, . . . . .	\$118 00
Paid to State Treasurer, . . . . .	1,139 00
Transferred, . . . . .	5 00

## FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

	Services.	Expenses.	Total.
C. F. Nixon, president, . . . . .	\$352 50	\$197 75	\$550 25
C. F. Nixon, supplies, . . . . .	-	11 29	11 29
A. K. Tilden, . . . . .	897 50	33 01	930 51
A. K. Tilden, supplies, etc., . . . . .	-	41 95	41 95
F. H. Butler, . . . . .	107 50	36 47	143 97
G. M. Hoyt, . . . . .	90 00	29 75	119 75
G. M. Hoyt, supplies, . . . . .	-	31 71	31 71
S. B. Harris, agent, . . . . .	780 00	366 94	1,146 94
Lucie Barret Koch, . . . . .	570 00	-	570 00
Bessie Burroughs, . . . . .	50 00	-	50 00
	<hr/> \$2,847 50	<hr/> \$748 87	<hr/> \$3,596 37

J. L. Fairbanks Company, . . . . .	\$6 60
Wright & Potter Printing Company, . . . . .	71 34
Thorp & Martin Company, . . . . .	6 75
Press Clipping Bureau, . . . . .	21 75
N. E. Telegraph and Telephone Company, . . . . .	11 67
Fox, Fultz & Co., . . . . .	5 18
E. L. Patch Company, . . . . .	76 75
Fuller, Leonard & Small, . . . . .	17 50
Charles P. Whittle, . . . . .	325 00
Wm. H. Bradford, . . . . .	7 21
Whitall, Tatum Company, . . . . .	198 94

Burditt & Williams Company, . . . .	\$17 00	
Spatula Publishing Company, . . . .	3 00	
Weeks & Potter, . . . . .	4 52	
Theo. Metcalf Company, . . . . .	3 05	
Sampson, Murdock Company, . . . .	5 50	
	<hr/>	\$781 58
		<hr/> \$4,377 95

Number of meetings held for granting to applicants certificates of fitness, . . . . .	18
Number of hearings on applications for certificates of fitness, . . .	67

## ENFORCEMENT OF PHARMACY LAW.

### SUMMARY.

Number of meetings for enforcement of pharmacy law, . . . .	18
Number of hearings on violations of pharmacy law, . . . .	25
Number of certificates suspended for ten years, . . . . .	1
Number of certificates suspended for five years, . . . . .	1
Number of certificates suspended for two years, . . . . .	3
Number of certificates suspended for one year, . . . . .	6
Number of certificates suspended for eighteen months, . . . .	1
Number of certificates suspended for two months, . . . . .	2
Number of cases continued for sentence, . . . . .	1
Number of formal complaints to the Board, . . . . .	31

### FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

	Services.	Expenses.	Total.
C. F. Nixon, . . . . .	\$37 50	\$21 00	\$58 50
A. K. Tilden, . . . . .	50 00	4 75	54 75
A. K. Tilden, witness fees, . . . . .	—	75 90	75 90
F. H. Butler, . . . . .	47 50	20 07	67 57
G. M. Hoyt, . . . . .	47 50	15 70	63 20
S. B. Harris, . . . . .	795 00	368 31	1,163 31
	<hr/>	<hr/>	<hr/>
	\$977 50	\$505 73	\$1,483 23

J. L. Fairbanks & Co., . . . . .	\$9 70	
Press Clipping Bureau, . . . . .	2 00	
	<hr/>	11 70
Total, . . . . .		<hr/> \$1,494 93

AMOS K. TILDEN,

*Secretary.*

## AGENT'S REPORT.

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*To the Board of Registration in Pharmacy.*

Herewith submitted is a condensed report of my doings under your orders during the past year, with a résumé of various matters which have come under my observation in the performance of my official duties which relate to the condition of pharmacy, together with records relating to the enforcement of the pharmacy laws of this Commonwealth.

The following registered pharmacists died during the year : —

Bourne, Jacob F., . Boston.	McCarthy, Callahan, Northbridge.
Buffington, Elisha D., Worcester.	Nash, Frank S., . Brockton.
Coville, Frank O., . Winchester.	O'Brien, James, . Lowell.
Curtis, John W., . Hinsdale.	Ohlander, John V., . Worcester.
Duval, Edmond P., . Leominster.	Reid, Charles S., . Holbrook.
Eaton, Charles I., . Boston.	Robbings, George H., West Warren.
Ferguson, William A., Foxborough.	Shay, Thomas E., . Salem.
Hartshorn, Fred'k A., Marlborough.	Sweeney, John P., . Boston.
Hodges, Chauncey A., Lynn.	Toward, Arlie B., . Boston.
Hollis, Francis, . Boston.	Wetherell, Monson L., Gloucester.
Jenkins, Luther L., . Boston.	Williams, Joseph, . Newburyport.
Mahern, John J., . Woburn.	

In the above list will be recognized the names of several druggists who were long and favorably known in the pharmacy business.

My duties have taken me into every portion of the State. It has been the general expression from those engaged in the profession that their business during the year 1901 has been more satisfactory than in 1900, which is gratifying.

It is somewhat humiliating to report that during the year more prosecutions have been made and more convictions of violators of the pharmacy law than during the previous year. The reason is apparent why prosecutions have increased. Of the number arraigned before the court, a large per cent. were unregistered pharmacists. In several instances they had formerly been engaged in the liquor business in cities and towns where licenses had formerly been granted, but failing to grant

licenses by reason of the “no” vote, and knowing full well that licenses of the sixth class may be granted where the “no” vote prevails, they took it upon themselves to employ a registered clerk and open up to all appearances a full-fledged pharmacy; but have been obliged to settle with our courts for their folly, the law having been repealed whereby formerly unregistered proprietors could conduct the business of pharmacy with a registered clerk, which has proven quite an obstacle to their advancement as druggists. The majority of those who have thus embarked have wisely given up the undertaking. In one instance four men engaged in the business, one being registered; prosecution was followed by arrest, accompanied with bailing process. The three unregistered men fled to Canada, and were defaulted in court. It may be confidently believed that they will not come under the supervision of the Board again.

Another violator, known to the Board, having been repeatedly prosecuted and convicted, upon another seizure being made at his place of business, made quick time and crossed the border line. He likewise will not give the Board or the local authorities any further trouble.

Another, who advertised himself as general manager of several drug stores, the proprietor not being registered, after being severely disciplined, concluded to interest himself as manager of a travelling band of gypsies.

Another would-be druggist, unregistered, who has been repeatedly convicted for violating the liquor law and pharmacy law, and has paid fines and served time in the jail, upon learning that another indictment had been found against him, hurriedly left the State. At the time of his departure he was owner of three drug stores in Massachusetts. They have all been closed.

The public good is subserved and the pharmacy business elevated by these departures, and for the benefit of those who may be inclined without the proper qualifications prescribed by law to enter into the drug business to evade the liquor law, it seems proper to say: You have no right to take the responsibility upon yourselves to deal in drugs, medicines, chemicals and poisons, thereby jeopardizing the public welfare, that you may, under a respectable cover, conduct an unlawful, disreputa-



ble business. Never sail under false colors. If you are inclined to engage in the liquor business, do so, if at all, under the sanction of a liquor license. Don't attempt to do so as a pharmacist in this Commonwealth.

Chapter 106, Acts of 1900, amended section 10 of chapter 397 of the Acts of 1896 by adding at the end thereof the following:—

A registered pharmacist who owns stock to the actual value of at least five hundred dollars in a company incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a drug store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered qualified to receive such a license for said store.

Whereas the above statute is all right when resorted to by honest men, who organize stock companies under its provision and honestly conform to the law, and the public welfare will not suffer thereby, evil-disposed persons have taken advantage of its provisions, organized stock companies under the laws of other States, present or pretend to give stock to registered persons of the value of five hundred dollars, as estimated by the promoters, then the drug store opens up with a registered man, a figure head in the venture, the combination bringing incompetency into the business.

Your agent, as the Board well knows, has been called upon to investigate several such cases. Perhaps it is not out of place to give one illustration.

In the city of Boston complaint came to the Board that a drug store, giving name and location, was open for business without the proprietor being registered, a registered man calling occasionally. Upon investigation the proprietor said:—

“This is a stock company, organized under the laws of Maine. Mr. — is the registered clerk, who comes here when he is wanted. He is one of the stockholders in the company. We are not quite satisfied with him. We are going to get another registered man.”

In the course of time another registered man put in an appearance. Upon being interviewed by your agent as to his connection with the store, he said:—

“This is a stock company, I understand. The treasurer of the company has made out a certificate of stock in my name, claiming to be worth five hundred dollars, and put it in the money drawer, saying, ‘In the event of any person questioning you as to your ownership in the store, show this certificate of stock to them.’”

He further stated: “I did not put any money into the concern; I don’t claim to own the certificate of stock; all the interest I claim to have in this store is my weekly wages.”

This was the confession of a truthful man. When informed in regard to the law, he said, “I shall take my certificate and leave.” The store has ceased to do business in this Commonwealth.

Investigation of several cases of a similar character proved that incompetent persons have taken advantage of this statute, thereby imposing upon the public.

In the performance of my duties, my attention has been called to the fact that in several towns voting no license, licenses of the sixth class have been granted by the selectmen and issued to druggists without the licensee giving any bond therefor, — notwithstanding that section 13, chapter 100 of the Public Statutes, distinctly declares, in the following language: —

No license shall be issued until the license fee has been paid to the treasurer of the city or town by which it is to be issued and until he has received a satisfactory bond, payable to him as such treasurer, in the sum of one thousand dollars, signed by the licensee and sufficient surety or sureties, who shall be jointly and severally liable and conditioned for the payment of all costs, damages and fines incurred by violation of the provisions of this chapter. Separate suits may be brought on such bond by any persons at their own expense. Such bond, after approval, shall be filed in the office of the city or town clerk, and may be sued in any court having jurisdiction under the provisions of this chapter, and a certified copy thereof shall be admissible in evidence, and shall have the same force and effect as the original bond would have if offered in evidence. The bond to be taken in each case may be in the following form.

Subsequently follows the form of bond required.

Upon calling the attention of the selectmen to this violation of the statute, they have immediately taken steps to conform to the law governing the same.

Section 1, chapter 431, Acts of 1887, reads as follows: —

No license, except of the sixth class named in section ten of chapter one hundred of the Public Statutes, shall be hereafter granted to retail druggists or apothecaries for the sale of spirituous or intoxicating liquor.

Notwithstanding this plain declaration of the statutes, instances have come to my knowledge where the granting authorities have taken upon themselves the responsibility of issuing licenses of the first and fourth classes to druggists in this Commonwealth, thereby violating the license law and affording no protection to the licensee whatever.

During the past year an unusual number of drug stores have changed proprietors, — in many instances, men of long standing in the business retiring, to be succeeded by younger pharmacists, which has had the tendency to infuse younger blood into the profession.

#### RECAPITULATION.

Number of druggists deceased, . . . . .	23
Number of drug stores in the Commonwealth, . . . . .	1,568
Number of drug stores closed, . . . . .	36
Number of new stores opened for business, . . . . .	30
Number of stores found with unregistered proprietors and no registered partners, . . . . .	23
Number of complaints made to the Board and investigated, . . . . .	101
Number of complaints investigated and reported to the proper prosecuting officers, . . . . .	86
Number of prosecutions, . . . . .	75
Number of convictions, . . . . .	61
Number of continued cases in court, . . . . .	9
Number found not guilty, . . . . .	5
Amount of fines paid, . . . . .	\$4,140
Number sent to jail, . . . . .	2
Number of formal complaints made to the Board, . . . . .	31

My thanks are hereby extended to the various local authorities throughout the Commonwealth for assistance rendered to me in the discharge of my official duties.

Respectfully submitted,

SIMON B. HARRIS,

*Agent.*

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L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

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1901.

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# LAWS RELATING TO PHARMACY.

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[CHAPTER 397, ACTS OF 1896, AS AMENDED BY THE ACTS OF 1898, 1899, 1900 AND 1901.]

## AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The board of registration in pharmacy shall consist of five persons. The appointments to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October, in each year, and no person shall hereafter serve as a member of said board for more than five years, consecutively,—providing that the present members of said board shall continue to hold their offices during the terms for which they were severally appointed. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions and actively engaged in the drug business, shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same councillor district. Any member of said board may be removed from office for cause by the governor.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth.

The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

#### REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board.

Any person may be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business;

engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after conviction by a court of competent jurisdiction. [Amended by chapter 522, Acts of 1901, as follows: Section nine of chapter three hundred and ninety-seven of the Acts of the year eighteen hundred and ninety-six is hereby amended by striking out in the seventh line, the words "or may revoke it altogether", and in the ninth line, the words "or revoked."]

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician. [Amended by chapter 106,



Acts of 1900, as follows: Section ten of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by adding at the end thereof the following:— A registered pharmacist who owns stock to the actual value of at least five hundred dollars in a company incorporated for the purpose of carrying on the drug business and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered as qualified to receive such a license for said store.]

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. [Amended by chapter 91, Acts of 1901, as follows: Section fourteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words "who shall also sign his name in said book as part of said entry", in the fourth and fifth lines, by striking out the words "Signature of Purchaser", in the form appended to said

section, and by adding at the end of said section the words : — The certificate mentioned in section thirteen of this act shall be a part of the said book and shall not be detached therefrom, and shall be in form substantially as follows : —

CERTIFICATE.

I wish to purchase, \_\_\_\_\_  
and I certify that I am not a Minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. [*\* Draw a line through  
the words which do not indicate the purpose of the purchase.*]

○ Signature \_\_\_\_\_

Cancelled, \_\_\_\_\_

so as to read as follows : — *Section 14.* A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in section thirteen of this act shall be a part of the said book and shall not be detached therefrom, and shall be in form substantially as follows : —

CERTIFICATE.

I wish to purchase \_\_\_\_\_  
and I certify that I am not a Minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. [*\* Draw a line through  
the words which do not indicate the purpose of the purchase.*]

○ Signature \_\_\_\_\_

Cancelled, \_\_\_\_\_]



SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns in the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. [Amended by chapter 317, Acts of 1900, as follows : Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words " by himself or his agent or servant, unless such agent or servant is so registered," in the second and third lines, and by adding at the end of said section the words :— In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, — so as to read as follows : — *Section 18.* Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a

fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist.]

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carboic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists

in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

#### GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]

[Amended by chapter 522, Acts of 1901, by adding the following new sections: *Section 25.* In case a charge or complaint against a



registered pharmacist of the Commonwealth is pending before the board of registration in pharmacy, such pharmacist or his counsel shall have the same right of access to all documents in the possession of said board as a person charged with an offence or crime before the courts of the Commonwealth would have. *Section 26.* Whoever violates any provision of this act, not otherwise specifically provided for, shall for each offence be punished by a fine of not less than fifty dollars. *Section 27.* When a person is convicted of the violation of any provision of this act the court in which or the magistrate before whom such conviction is had shall send to the board of registration in pharmacy a certificate under seal showing the time and place of such conviction.]

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[CHAPTER 50, ACTS OF 1901.]

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF ENFORCING  
THE LAW TO REGULATE THE PRACTICE OF PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and one, to wit :—

For expenses in connection with carrying out the law relative to complaints against registered pharmacists, a sum not exceeding two thousand dollars.

For services and expenses of the board of registration in pharmacy, salary and expenses of an agent, stenographer, postage, printing and incidental expenses, a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 14, 1901.*]

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[CHAPTER 87, ACTS OF 1901.]

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY  
PHARMACISTS.

*Be it enacted, etc., as follows :*

SECTION 1. The fourth clause of section nine of chapter one hundred of the Public Statutes, as amended by chapter one hundred and fifty-eight of the acts of the year eighteen hundred and eighty-four, is hereby further amended by adding at the end thereof the words :—*provided, however, that the phrase “or to a person known to have been supported in whole or in part by public charity at any time*

during the twelve months next preceding the date of the license," shall not apply in cases where the sale of liquor is made upon the prescription of a duly registered physician,—so as to read as follows:—Fourth, That no sale or delivery of liquor shall be made on the premises described in the license to a person known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months next preceding, or to a minor, either for his own use, the use of his parent, or of any other person, or to a person known to have been supported in whole or in part by public charity at any time during the twelve months next preceding the date of the license: *provided, however*, that the phrase "or to a person known to have been supported in whole or in part by public charity at any time during the twelve months next preceding the date of the license", shall not apply in cases where the sale of liquor is made upon the prescription of a duly registered physician.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage. [*Approved February 27, 1901.*]